

Adopted	Rejected
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## COMMITTEE REPORT

YES:	20
NO:	2

### MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred House Bill 1530, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 9-24-2-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A driver's license
- 4 or a learner's permit may not be issued to an individual less than
- 5 eighteen (18) years of age who meets any of the following conditions:
- 6 (1) Is a habitual truant under IC 20-8.1-3-17.2.
- 7 (2) Is under at least a second suspension from school for the
- 8 school year under IC 20-8.1-5.1-8 or IC 20-8.1-5.1-9.
- 9 (3) Is under an expulsion from school under IC 20-8.1-5.1-8,
- 10 IC 20-8.1-5.1-9, or IC 20-8.1-5.1-10.
- 11 (4) Has withdrawn from school, for a reason other than financial
- 12 hardship and the withdrawal was reported under IC 20-8.1-3-24(a)
- 13 before graduating.
- 14 **(5) Is considered a dropout under IC 20-8.1-3-17.7.**
- 15 (b) At least five (5) days before holding an exit interview under

~~IC 20-8.1-3-17(b)(2)~~, **IC 20-8.1-3-17.7**, the school corporation shall give notice by certified mail or personal delivery to the student, the student's parent, or the student's guardian of the following:

(1) That the exit interview will include a hearing to determine if the reason for the student's withdrawal is financial hardship.

(2) If the principal determines that the reason for the student's withdrawal is not financial hardship:

(A) the student and the student's parent or guardian will receive a copy of the determination; and

(B) the student's name will be submitted to the bureau **by the student's school principal** for the bureau's use in denying or invalidating a driver's license or learner's permit under this section.

SECTION 2. IC 20-8.1-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) Subject to the specific exceptions under this chapter, each individual shall attend either a public school which the individual is entitled to attend under IC 20-8.1-6.1 or some other school which is taught in the English language.

(b) An individual is bound by the requirements of this chapter from the earlier of the date on which the individual officially enrolls in a school or, except as provided in subsection (h), the beginning of the fall school term for the school year in which the individual becomes seven (7) years of age until ~~the date on which~~ the individual **meets one (1) of the following conditions, whichever occurs first:**

(1) Graduates.

(2) Reaches at least sixteen (16) years of age but who is less than eighteen (18) years of age and **meets** the requirements under ~~subsection (j) concerning an exit interview are met section 17.6 or 17.7 of this chapter~~, enabling the individual to withdraw from school before graduation. ~~or~~

(3) Reaches at least eighteen (18) years of age.

~~whichever occurs first:~~

(c) An individual who:

(1) enrolls in school before the fall school term for the school year in which the individual becomes seven (7) years of age; and

(2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the individual is reenrolled as required in subsection (b). Nothing in this section shall be construed to require that a child complete grade 1 before the child reaches eight (8) years of age.

(d) An individual for whom education is compulsory under this section shall attend school each year:

(1) for the number of days public schools are in session in the school corporation in which the individual is enrolled in Indiana;

or

(2) if the individual is enrolled outside Indiana, for the number of days the public schools are in session where the individual is enrolled.

(e) In addition to the requirements of subsections (a) through (d), an individual must be at least five (5) years of age on July 1 of the 2001-2002 school year or any subsequent school year to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (g), the governing body of the school corporation shall adopt a procedure affording a parent of an individual who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent of the school corporation for enrollment of the individual in kindergarten at an age earlier than the age that is set forth in this subsection.

(f) In addition to the requirements of subsections (a) through (e), and subject to subsection (g), if an individual enrolls in school as permitted under subsection (b) and has not attended kindergarten, the superintendent of the school corporation shall make a determination as to whether the individual shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (g).

(g) To assist the principal and governing bodies, the department shall do the following:

(1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent of the school corporation under subsection (e).

(2) Establish criteria by which a governing body may adopt a model assessment which will be utilized in making the determination under subsection (f).

(h) If the parents of an individual who would otherwise be subject

to compulsory school attendance under subsection (b), upon request of the superintendent of the school corporation, certify to the superintendent of the school corporation that the parents intend to:

- (1) enroll the individual in a nonaccredited, nonpublic school; or
- (2) begin providing the individual with instruction equivalent to that given in the public schools as permitted under section 34 of this chapter;

not later than the date on which the individual reaches seven (7) years of age, the individual is not bound by the requirements of this chapter until the individual reaches seven (7) years of age.

(i) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in subsection (b)(2). Each exit interview must be personally attended by:

- (1) the student's parent or guardian;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

~~(j) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:~~

- ~~(1) the student, the student's parent or guardian, and the principal agree to the withdrawal; and~~
- ~~(2) at the exit interview the student provides written acknowledgment of the withdrawal and the student's parent or guardian and the school principal each provide written consent for the student to withdraw from school.~~

~~(k)~~ (j) For the purposes of this section, "school year" has the meaning set forth in IC 21-2-12-3(h).

SECTION 3. IC 20-8.1-3-17.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.2. (a) Each governing body shall establish and include as part of the written copy of its discipline rules described in IC 20-8.1-5.1-7:

- (1) a definition of a student who is designated as a habitual truant **who must be defined at a minimum as someone who is chronically absent, by missing more than ten (10) unexcused days of school in one (1) school year;**

1 (2) the procedures under which subsection (b) will be  
2 administered; and

3 (3) all other pertinent matters related to this action.

4 (b) Notwithstanding IC 9-24 concerning the minimum requirements  
5 for qualifying for the issuance of an operator's license or learner's  
6 permit, and subject to subsections (c) through (e), a person who is:

7 (1) at least thirteen (13) years of age but less than fifteen (15)  
8 years of age;

9 (2) a habitual truant under the definition of habitual truant  
10 established under subsection (a); and

11 (3) identified in a list submitted to the bureau of motor vehicles  
12 under subsection (f);

13 may not be issued an operator's license or a learner's permit to drive a  
14 motor vehicle or motorcycle under IC 9-24 until the person is at least  
15 eighteen (18) years of age.

16 (c) A person described in subsection (b) is entitled to the procedure  
17 described in IC 20-8.1-5.1-13.

18 (d) Each person described in subsection (b) who is at least thirteen  
19 (13) years of age and less than eighteen (18) years of age is entitled to  
20 a periodic review of that person's attendance record in school in order  
21 to determine whether the prohibition described in subsection (b) shall  
22 continue. In no event may the periodic reviews be conducted less than  
23 one (1) time each school year.

24 (e) Upon review, the governing body may determine that the  
25 person's attendance record has improved to the degree that the person  
26 may become eligible to be issued an operator's license or a learner's  
27 permit.

28 (f) Before February 1 and before October 1 of each year, the  
29 governing body of the school corporation shall submit to the bureau of  
30 motor vehicles the pertinent information concerning a person's  
31 ineligibility under subsection (b) to be issued the license or permit.

32 (g) The department of education shall develop guidelines concerning  
33 criteria used in defining a habitual truant that may be considered by a  
34 governing body in complying with subsection (a).

35 SECTION 4. IC 20-8.1-3-17.6 IS ADDED TO THE INDIANA  
36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2005]: **Sec. 17.6. (a) This section applies to an**  
38 **individual:**

**(1) who:**

**(A) attends or last attended a nonpublic nonaccredited school;**

**(B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and**

**(C) has not completed the requirements for graduation; and**

**(2) who:**

**(A) wishes to withdraw from school before graduation;**

**(B) fails to return at the beginning of a semester; or**

**(C) stops attending school during a semester.**

**(b) An individual to whom this section applies may withdraw from school only if the individual's principal and parent provide written consent.**

SECTION 5. IC 20-8.1-3-17.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 17.7. (a) This section applies to an individual:**

**(1) who:**

**(A) attends or last attended a public or nonpublic accredited school;**

**(B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and**

**(C) has not completed the requirements for graduation;**

**(2) who:**

**(A) wishes to withdraw from school before graduation;**

**(B) fails to return at the beginning of a semester; or**

**(C) stops attending school during a semester; and**

**(3) who has no record of transfer to another school.**

**(b) An individual to whom this section applies may withdraw from school only if all the following conditions are met:**

**(1) An exit interview is conducted.**

**(2) The individual's parent consents to the withdrawal.**

**(3) The school principal approves of the withdrawal.**

**(4) The withdrawal is because of financial hardship and the individual is employed to support the individual's family or dependents.**

**(5) The school principal provides to the student and the**

1 student's parent a copy of statistics compiled by the  
2 department concerning the likely consequences of life without  
3 a high school diploma.

4 (6) The school principal advises the student and the student's  
5 parent that a driver's license or learner's permit may be  
6 revoked and may not be issued to the student upon the  
7 student's withdrawal from school, for a reason other than  
8 financial hardship.

9 (7) The school principal advises the student and the student's  
10 parent that an employment certificate may be revoked and  
11 may not be issued to the student upon the student's  
12 withdrawal from school, for a reason other than financial  
13 hardship.

14 (c) For purposes of this section, the following must be in written  
15 form:

16 (1) An individual's request to withdraw from school.

17 (2) A parent's consent to a withdrawal.

18 (3) A principal's consent to a withdrawal.

19 (d) If the individual's principal does not consent to the  
20 individual's withdrawal under this section, the individual's parent  
21 may appeal the denial of consent to the governing body of the  
22 public or nonpublic accredited school that the individual last  
23 attended.

24 (e) Each public school, including each school corporation and  
25 each charter school (as defined in IC 20-5.5-1-4), and each  
26 nonpublic accredited school shall provide an annual report to the  
27 department setting forth the following information:

28 (1) The total number of individuals:

29 (A) who withdrew from school under this section; and

30 (B) who either:

31 (i) failed to return to school at the beginning of a  
32 semester; or

33 (ii) stopped attending school during a semester;

34 and for whom there is no record of transfer to another  
35 school.

36 (2) The number of individuals who withdrew from school for  
37 the reason set forth in subsection (b)(4).

38 (f) If an individual to which this section applies:

(1) has not received consent to withdraw from school under this section; and

(2) fails to return to school at the beginning of a semester or during the semester;

the principal of the school that the individual last attended shall deliver by certified mail or personal delivery to the bureau of child labor a record of the individual's failure to return to school so that the bureau of child labor revokes any employment certificates issued to the individual and does not issue any additional employment certificates to the individual. For purposes of IC 20-8.1-4-12, the individual shall be considered a dropout.

(g) At the same time that a school principal delivers the record under subsection (f), the principal shall deliver by certified mail or personal delivery to the bureau of motor vehicles a record of the individual's failure to return to school so that the bureau of motor vehicles revokes any driver's license or learner's permit issued to the individual and does not issue any additional driver's licenses or learner's permits to the individual before the individual is at least eighteen (18) years of age. For purposes of IC 9-24-2-1, the individual shall be considered a dropout.

(h) If:

(1) a principal has delivered the record required under subsection (f) or subsection (g), or both; and

(2) the school subsequently gives consent to the individual to withdraw from school under this section,

the principal of the school shall send a notice of withdrawal to the bureau of child labor and the bureau of motor vehicles by certified mail or personal delivery. For purposes of IC 20-8.1-4-12 and IC 9-24-2-1, the individual shall no longer be considered a dropout.

SECTION 6. IC 20-8.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) **Except as provided in subsection (b)**, upon presentation of the documents required by section 7 of this chapter, an employment certificate shall be issued immediately to the child. ~~However, an issuing officer may deny a certificate to a child:~~

~~(1) whose attendance is not in good standing; or~~

~~(2) whose academic performance does not meet the school corporation's standard.~~



**(b) An employment certificate may not be issued to a student who meets any of the following conditions:**

- (1) Is a habitual truant under IC 20-8.1-3-17.2.**
- (2) Is under at least a second suspension from school for the school year under IC 20-8.1-5.1-8 or IC 20-8.1-5.1-9.**
- (3) Is under an expulsion from school under IC 20-8.1-5.1-8, IC 20-8.1-5.1-9, or IC 20-8.1-5.1-10.**
- (4) Is considered a dropout under IC 20-8.1-3-17.7.**
- (5) Does not meet the academic performance standards of the school corporation.**

~~(b)~~ **(c) Within five (5) days, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in his office of each employment certificate issued.**

~~(c)~~ **(d) A student may appeal the denial of a certificate under subsection (a) to the school principal.**

**(e) At least five (5) days before holding an exit interview under IC 20-8.1-3-17.7, the school corporation shall give notice by certified mail or personal delivery to the student or the student's parent of the following:**

- (1) That the exit interview will include a hearing to determine if the reason for the student's withdrawal is financial hardship.**
- (2) If the principal determines that the reason for the student's withdrawal is not financial hardship:**
  - (A) the student and the student's parent will receive a copy of the determination; and**
  - (B) the student's name will be submitted to the bureau of child labor by the student's school principal for the bureau of child labor's use in denying or invalidating an employment certificate under this section.**

**SECTION 7. IC 20-8.1-4-3 IS REPEALED [EFFECTIVE JULY 1, 2005].**

**SECTION 8. [EFFECTIVE UPON PASSAGE] (a) The department of education shall develop a form for the written consent to withdraw from school for a school corporation's use in implementing IC 20-8.1-3-17.7, as added by this act.**

**(b) The department of education shall compile and make**

1       **available to schools statistics concerning the likely consequences of**  
2       **life without a high school diploma. The statistics must include, but**  
3       **are not limited to, statistics that show the likelihood of an**  
4       **individual's:**  
5               **(1) unemployment or a lower paying job; and**  
6               **(2) involvement in criminal activity;**  
7       **as the consequence of not obtaining a high school diploma.**  
8               **(c) The department of education shall update the statistics**  
9       **described in subsection (b) every two (2) years.**  
10              **(d) This SECTION expires December 31, 2005.**  
11       **SECTION 9. An emergency is declared for this act.**  
              (Reference is to HB 1530 as printed January 28, 2005.)

**and when so amended that said bill do pass.**

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Representative Espich